

Rank	
1	
2	
3	
Total	

Additionally, Banning Ranch exhibits distinctive topography. The property is divided into lowland property generally in a north-south direction, separating the property from West Coast Highway. Drainage from the mesa formed a number of arroyos with riparian habitat that has experienced sliding over the years. Figure LU17 illustrates the property's topography.

During the visioning process, residents were divided into three groups. Many residents preferred preserving Banning Ranch as open space. However, many participants in the public process. However, many participants in the process indicated their willingness to support some development of the property if it would generate revenue to help fund preservation of the property's open space.

Policy Overview

The General Plan prioritizes the acquisition of Banning Ranch as an open space amenity for the community and region. Oil operations would be contained and interpretative facilities provided, and an active trail system would be developed to serve residents of adjoining neighborhoods.

Should the property not be fully acquired as open space, the General Plan provides for the development of a concentrated mixed-use residential village that retain the property's natural resources. This would contain a mix of housing types clustered around commercial uses, small boutique hotel, active park, located and designed and an interconnected street system to reduce vehicular trips. Development would be concentrated in the village center, while oil operations would be limited to the western portion of the property. A trail system would be developed to link uses within the property and provide access to adjoining neighborhoods. While the General Plan provides for the development of the property, it also indicates the maximum intensity of development that would be allowed on the property based on the permitting processes that are required to satisfy the

that is, the property's visual resource for the community. Bluff faces traverse the property and forming an important visual resource in and adjoining the City of Costa Mesa. The property's bluff face geology is highly erodible and these constraints.

During the visioning process, residents were divided into three groups. Many residents preferred preserving Banning Ranch as open space at the beginning of the visioning process. However, many participants in the process indicated their willingness to support some development of the property if it would generate revenue to help fund preservation of the property's open space.

The General Plan provides for the development of the property as an open space amenity for the community and region. Oil operations would be contained and interpretative facilities provided, and an active trail system would be developed to serve residents of adjoining neighborhoods.

The General Plan provides for the development of the property as an open space amenity for the community and region. Oil operations would be contained and interpretative facilities provided, and an active trail system would be developed to serve residents of adjoining neighborhoods. The General Plan provides for the development of the property as an open space amenity for the community and region. Oil operations would be contained and interpretative facilities provided, and an active trail system would be developed to serve residents of adjoining neighborhoods.

Goal:

LU 6.3

Preferably protect open space amenity, with community parklands to serve adjoining neighborhoods.

and habitat areas, as well as active

General Plan Policy Statement on Banning Ranch

Policy Overview

“While the Plan indicates the maximum intensity of development that would be allowed on the property(Banning Ranch), this will ultimately by determined through permitting processes that are required to satisfy state and federal environmental regulatory requirements.”

Legend

-  Sub Area
 Butte
 Tortuga Subhabitat Zone
 Habitat Value Rating**
 Habitat Restoration Area

* But includes 100 foot buffer

Spring Wash = 518 acres
Development Constraints = 302 acres
Total Available Area = 216 acres



EIP

PERMITTED USES

LU 6.5.1 Oil Production
 Restrict, I, later oil operations

LU 6.5.2 Community Park

Accommodate a community park of 20 to 30 acres that contains active playfields that may be lighted and is of sufficient acreage to serve adjoining neighborhoods and residents of Banning Ranch, if developed. (Leg 3.1, 4.1)

LU 6.5.3 Habitat and Wetlands

Restor and enhance wetlands and wildlife habitats, in accordance with the m of state and federal agencies. (Leg 3.1, 4.1, 14.7, 14.11)

DESIGN AND DEVELOPMENT

LU 6.5.4 Relationship of Development to Environmental Resources

Development should be located and designed to preserve and/or mitigate for the loss of wetlands and drainage course habitat. It shall be located to be contiguous and compatible with existing and planned development along its eastern property line, preserving the connectivity of wildlife corridors, and set back from the bluff faces, along which shall be located a linear park to provide public views of the ocean, wetlands, and surrounding open spaces. Exterior lighting shall be located and designed to minimize light trespass from developed areas onto the bluffs, riparian habitat, arroyos, and lowland habitat areas. (Leg 3.1, 4.1)

LU 6.5.5 Public Views of the Property

Development shall be located and designed to prevent residences on the property from dominating public views of the bluff faces from Coast Highway, the ocean, wetlands, and surrounding open spaces. Landscape shall be incorporated to soften views of the site visible from publicly owned areas and public view points. (Leg 3.1, 4.1)

STRATEGY

LU 6.5.6 Coordinate with State and Federal

Work with appropriate state and federal agencies to identify wetlands and habitats to be preserved and/or restored and those on which development will be permitted. (Leg 14.7, 14.11)

General Plan Land Use Policy Statement on Banning Ranch

Land Use Goals

LU 6.5.3 Habitat and Wetlands

Restore and enhance wetlands and wildlife habitats, in accordance with the requirements of state and federal agencies.

STRATEGY

LU 6.5.6 Coordination with State and Federal Agencies

Work with appropriate state and federal agencies to identify wetlands and habitats to be preserved and/or restored and those on which development will be permitted.

Comment Letter 51•

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

G. BROWN, JR., Governor

CALIFORNIA COASTAL COMMISSION

1500 Coast Avenue

Long Beach, California 90802-5300-5077

Patrick J. Alford, Planning Manager
City of Newport Beach, Community Development Department
3300 Newport Boulevard
Newport Beach, California 92658-8915

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NOV 09 2011

RE COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT
SCH# 200903106
Newport Banning Ranch
Orange County

DEVELOPMENT
CITY OF NEWPORT BEACH

Thank you for the Draft Environmental Impact Report
and commercial proposed includes 1,375 75,000 feet of commercial
75-room resort inn, approximately 51.4 for
252.3 gross acres for in the form of open space

The following comments address, in a preliminary manner, the issue of the proposed project's
Coastal Permit. This letter provides an overview of the project and this
analysis and information we've been presented and not
preliminary and those of Coastal
Commission not be opinion of Coastal

Proc Review of the Project

The DEIR states the Coastal Commission. The DEIR suggests the Commission
could be asked to provide a preliminary review and approval of land uses with details for some
portions of the project. The DEIR suggests the Commission
suggest the 'Master CDP' would be a process for the City when the City
part of the project. There is no regulatory authority for the ultimate approval of any
permit review process described in the DEIR. The process the DEIR describes is not
alone to the Local Coastal Program. The process the DEIR describes is not
required would need the City and

Given the project is considered in the Local Coastal Program, the City
This is for consideration. The project would be given the
kind of project established under the Coastal Act. The project would be given the
DEIR. The CDP process is not
or analyzing conceptual projects; rather, the project is of specific projects with

In the Coastal Project is consistent with the DEIR states this DEIR and the Project Site. The Project Site does not require compensation for degradation of or significantly disrupt habitat values. The project is consistent with the ESHA Coastal Commission as part of the CDP process. Based on a preliminary analysis, the Commission provided information, development proposed in the EI 30240 is compatible with Coastal subject. The proposed project is a four-lane Coastal Highway subject. Coastal Commission Staff recently analyzed the project's impact on habitat resources present in the proposed road-in processing Coastal D.

open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boat moorings, and structural pilings for (4) incidental public service purposes, including not limited to or of existing all lines (5) Mineral extraction, including sand for restoring beaches, except sensitive areas. (6) Restoration purposes. (7) or similar resource dependent activities. (c) In to the other provisions of this maintain or enhance the of or estuary

City's Coastal Land Use Plan states 4.2.2-3. size to ensure integrity and to protect. Wetlands shall have a minimum buffer width of feet wherever possible. Smaller wetland buffers may be allowed only where it can be shown that a 100-foot wide buffer is not possible due to site-specific constraints; and 2) of the biological integrity of the wetland given the resource and of the type and intensity of disturbance

In summary are protected under the Coastal Act and the City Land Use Plan. The allowed in wetlands is restricted to certain allowable uses, and adjacent to continuance

It appears proposed within wetlands. A comparison of exhibits 4.6-3a, 4.6-6a and 4.6-6b that is being proposed within mapped wetlands course, and C. proposed within approximately 30 feet of a mapped wetland, endangered fairy shrimp, proposed in areas which described above, and many of the mapped wetlands are located in close vicinity to areas pl

Therefore, the proposed not with Coastal Act Sections 30231 and 30233 because proposed project would result in elimination degradation the EIR. The EIR would avoid wetland sources. The EIR would avoid habitat buffers between wetlands.

Cultural and Paleontological Resources

Section 244 of the Coastal Act requires the protection of land, in part

23

24

Because the BCLUP are not Commission di Ranch property CLUP does n consideration c consistency wit the proposed F Section 15125, i rease

A in the CLUP, t sh property. Correspon .UP requested that refi .ee(not have a certifi property, the City z mit for the Project site wr Coastal Act. The Draft EIF tal Act as required by the h 4.15 of the Draft EIF

Response 5

The City acknowledges Coastal Act and the imp and the City's CLUP id ESHA. Please refer

sion's ESHA the fact that both the Coastal Act and avoidance of impacts to SHA.

As noted in the respons City's CLUP nor is an i property in the City's C binding on the Banning Project with the 15125. Please refer to

Ban and property is not inclu within the this time to include the B Ranch while : CLUP may pro Draft R provides an ar require ay the State CE .15 of : Sha :IR.

The purpose of the environment. It is not, such inconsistencies 4.6, Biological Resoi resources, including plant and animal sp to these resources Section 4.6 of the Dra values. The Draft EIR to whether any or all policies of the Coastal part of the Coastal C

EIR is to a proposed project's consistency analysis, e s that otherwise are yzes the proposed Proj endangered and threat s such as wetlands and v voided with the Mitigatic ould be protected as aga Coastal Commission mak 4A under the Coastal Act litions on the Project site t Permit process.

Response 6

The Coastal Con Project site on sensitive states that ESHA deter response to Comment the Draft EIR analyzes and sensitive habitat. based upon site----- Commission's re presence/absence Biological Resour resources, includ plant and animal to these resourci

EIR examine historical id to r that usage. T i site-specific circumstan ie: ESHA. Section 4.6, on biological resources, s a finding to be made City anticipates that t site that said, as not es the proposed Project endangered and threat s such as wetlands and v voided with t

Section 4.6 of the Draft EIR therefore would be protected against Public Code Section 30240. With suggestion that the EIR aluate toric to whether Project would cause on this suggestion is not consis CEQA.

The State CEQA Guid 15125(a) EIR must include a description of the physical vicinity project, at the time the notice of prepar published". The Notice of Preparation published on 2009. Using that 20 years old would not be relying on CEQA. The most current information baseline idition which lead agency determ whether an impact is CEQA that description the en om ita setting shall be longer than to significant effect proposed alternatives. torical not recent data available not to reference old data sources whether older data provides information would have a effect on Project findings

There are re where the incorporation of species data from past data would not be needed
,, appropria the proposed Project:

Environmental site conditions over that 20 years which result
therefore not be current. Project site. This would

Nomenclature has changed for many plant and wildlife species area there
would be confusion to previous reports ve refer need.

Many of the previous survey reports do not have species unclear
whether the survey compendia data is acces

— " ,

The Coastal Commis proposed Project can be found consistent
with Public Code Section 30240 because findings in a Staff Report
prepared Coastal respect to the Sunset Ridge Park project.
The Coa Commission suggests EIR evaluate alternative intensities top me
and to the site that is not dependent on access from West Coast Highway

The City is aware Coastal Commission's ations that prepared
Sunset Ridge P including finding tha proposed arterial
road would be inconsistent Coastal Act. However Coastal Commission has not yet
acted City's CDP application Sunset Ridge P and findings determinations
have been made Coastal Commission to Sunset Ridge P
road that traverses Newport Ranch property addition, importantly
Coastal Commission included an it that it would an
road from West Coast Highw circumstances

The proposed Project provides access points from 5th Street, 8th Street, 17th Street, and 19th
Street in addition to entry from West Coast Highway. The Newport Ranch Draft EIR

which would reduce traffic North
Bluff R refer to Section 7.0, Alternatives Proposed Project, Dr. EIR.

with the approved Model WQMP) application package submitted California Coastal Commission. part of the Coastal Ordinance Permit

Response 21

The comment is The Preliminary WQMP (--- Appendix A to this Comments document) for Project includes of site design and source control BMPs anticipated Project based on the level of detail provided, and available Draft EIR. The Final WQMP conjunction with Coastal Ordinance Permit to confirm which of specific site control BMPs used in the final plan.

Response 22

As discussed in the Draft delineation included identification of wetlands riparian habitat subject to regulation under California Coastal Act by the Coastal Commission using 'wetland' relies on only of (i.e., a predominance of wetland vegetation; predominance of hydric wetland hydrology). As Coastal Commission comment, 'qualify' (1) Coastal Act because of of San Diego fairy shrimp. Of that support San Diego fairy shrimp, identified Coastal wetlands Draft EIR. The support San Diego fairy shrimp on site are not vernal They artificial by ex berming islands to protect oilfield sumps contaminated low lying areas overlying existing pipelines. The City does not con areas Coastal Act-defined wetlands due to the lack of (1) a predominance of wetland vegetation, (2) predominance of hydric soils, or (3) hydrology

Response 23

The comment ('U') policies Coastal Act City's Coastal Land Use Plan protection wetlands The City CLUP. As Topical Response: Vernal of Project site was permitted Coastal Commission' of wetlands. The Applicant sited de in within mapped wetlands refer response to Comment 17. This response address proposed in area and which, in order to maximize their effect of improving coa quality, require the construction of basins areas proposed. With respect to other areas identified in the comment, wetland buffered adjacent to to protect against the degradation of wetlands Project site current wetlands exist in an operating oilfield instances been artificially created as a result of oil operations of proposed Project is intended to upon existing condition provide benefits in comparison to current condition or No Project Alternative

Response 24

The Coastal Commission's question matter of regulatory process under the jurisdiction of Coa Commission not present a comment regarding the adequacy of impact analysis Draft